

5/10/2018 3:00 pm

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
VICTOR DUKE,

Plaintiff,

-against-

ORDER

16-CV-4484 (JMA)(SIL)

HEMPSTEAD POLICE DEPARTMENT
ARMORY et al,

Defendants.

-----X
AZRACK, District Judge:

Before the Court is a Report and Recommendation (“R&R”) from Magistrate Judge Locke recommending that the Court dismiss this action with prejudice under Federal Rule of Civil Procedure 41(b). Plaintiff has not objected to the R&R.

In reviewing a magistrate judge’s report and recommendation, the court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05–CV–5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). The court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

Having conducted a review of the full record and the applicable law, and having reviewed the R&R for clear error, the Court adopts Judge Locke’s R&R in its entirety.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to close this case and to mail a copy of this Order to the plaintiff at his last known address.

SO ORDERED.

Dated: May 10, 2018
Central Islip, New York

_____/s/ JMA
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE